

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 431 be amended to read as follows:

- 1 Page 7, between lines 14 and 15, begin a new paragraph and
- 2 insert:
- 3 "SECTION 2. [EFFECTIVE UPON PASSAGE] (a) As used in
- 4 this SECTION, "White River fish kill" means the contamination
- 5 event in December 1999 in the White River in Madison County,
- 6 Indiana, that resulted over a period of several days in the death of
- 7 fish in Madison County, Hamilton County, and Marion County.
- 8 (b) "Department" refers to the department of environmental
- 9 management.
- 10 (c) The department shall prepare a report that includes the
- 11 following:
- 12 (1) A detailed and comprehensive description of the White
- 13 River fish kill that:
- 14 (A) addresses the source and nature of the contaminant
- 15 that resulted in the death of fish;
- 16 (B) addresses the events that resulted in the release of
- 17 the contaminant into the White River;
- 18 (C) addresses the effects of the contaminant on the
- 19 White River and on the health of fish and all other
- 20 forms of life in and near the river;
- 21 (D) includes all reports previously prepared by the
- 22 department in the course of its investigation of the
- 23 White River fish kill;
- 24 (E) includes the department's findings with respect to
- 25 criminal liability relating to the White River fish kill;
- 26 (F) describes the protocols and procedures in place at
- 27 the time of the White River fish kill for providing notice

1 of such an event to:
 2 (i) local units of government;
 3 (ii) local health departments;
 4 (iii) individuals who reside near the White River;
 5 (iv) businesses located near the White River; and
 6 (v) fishermen and other casual users of the White
 7 River;
 8 (G) describes the extent to which the protocols and
 9 procedures described in clause (F) were followed;
 10 (H) sets forth the time line of all events relating to the
 11 White River fish kill, including the dates and times of:
 12 (i) the events that resulted in the release of the
 13 contaminant into the White River;
 14 (ii) all activities relating to the investigation of the
 15 White River fish kill; and
 16 (iii) notice by the department or any other state
 17 agency to the entities listed in clause (F);
 18 (I) describes plans for restoration of the White River;
 19 and
 20 (J) sets forth the department's recommendations for
 21 changes in statutes, rules, or procedures and practices of
 22 the department to:
 23 (i) reduce the probability of contamination events
 24 similar to the White River fish kill in the future;
 25 and
 26 (ii) improve the timeliness and efficiency of
 27 protocols and procedures for notice to affected
 28 entities if such an event occurs in the future.
 29 (2) A complete list of all events of contamination of waters of
 30 the state in which fish or other aquatic species were killed
 31 and in which civil penalties were imposed under IC 13-30-4
 32 (or under the law that governed the imposition of civil
 33 penalties before the enactment of IC 13-30-4), including the
 34 following:
 35 (A) a description of the contamination event;
 36 (B) the date the contamination event occurred;
 37 (C) the entity on which the civil penalty was imposed;
 38 (D) the total amount of the civil penalty imposed; and
 39 (E) the amount per day or per hour of the civil penalty
 40 imposed.
 41 (d) Before August 1, 2000, the department shall deliver the
 42 report described in subsection (c) to:
 43 (1) the executive director of the legislative services agency
 44 for distribution to members of the legislative council;
 45 (2) the environmental quality service council;
 46 (3) the governor; and
 47 (4) the lieutenant governor.
 48 (e) The environmental quality service council shall:
 49 (1) study the report delivered to it under subsection (d); and
 50 (2) make recommendations to the general assembly before
 51 January 1, 2001, to:
 52 (A) reduce the probability of contamination events

1 **similar to the White River fish kill in the future; and**
2 **(B) improve the timeliness and efficiency of protocols**
3 **and procedures for notice to affected entities if such an**
4 **event occurs in the future."**

5 Renumber all SECTIONS consecutively.
 (Reference is to ESB 431 as printed February 17, 2000.)

Representative ATTERHOLT